

LEGISLATION FROM THE 2005 GENERAL ASSEMBLY SESSION
RELATED TO
LABOR AND INDUSTRY PROGRAMS

The following bills were passed by the General Assembly and approved by the Governor during the 2005 session of the General Assembly. The effective date for these bills is July 1, 2005, with the exception of HB 1703, which has an effective date of March 20, 2005. The Virginia Code section affected by the change is listed at the end of the bill description.

HB 1703 (Acts of the Assembly, Chapter 151) Permits county, city, and town ordinances to authorize participation by 16 and 17 year old minors from neighboring jurisdictions in volunteer fire companies, and exempts such minors from most child labor provisions. Such minors may not enter burning structures until they have been properly trained. (§§ 40.1-79.1 and 40.1-100 of the Code of Virginia.)

HB 1834 - Identical to SB 971 (Acts of the Assembly, Chapter 789) Prohibits an employee from seeking relief under this section for discharge or discrimination for reporting health or safety violations if the employee does not file a complaint with the Department of Labor and Industry alleging such discrimination within 60 days after it occurs. (§ 40.1-51.2:2 of the Code of Virginia)

HB 1948 - Identical to SB 1122 (Acts of the Assembly, Chapter 619) Amends the Administrative Process Act to provide regulatory flexibility for small business by requiring periodic review of regulations. The regulatory review must include consideration of the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation. (§§ 2.2-4007, 2.2-4007.1, and 2.2-4027 of the Code of Virginia)

HB 1955 (Acts of Assembly, Chapter 387) Authorizes the Commissioner of Labor and Industry to inspect any boiler or pressure vessel 91 days after the certificate expires and to assess an inspection fee upon the owner or operator. (§ 40.1-51.10 of the Code of Virginia)

HB 2393 (Acts of Assembly, Chapter 823) Repeals the statutory provisions governing employee day of rest requirements, thereby entirely removing the right of employees in Virginia to have one day of rest per week. (§§ 40.1-28.1 through 40.1-28.4:1 of the Code of Virginia)

HB 2638 (Acts of Assembly, Chapter 595) Provides that an employer who willfully and with intent to defraud withholds wages is guilty of a Class 6 felony if the amount of withheld wages equals \$10,000 or more, or upon a second, or subsequent, conviction. The bill also includes the determination that the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay. (§ 40.1-29 of the Code of Virginia)

HB 2674 (Acts of the Assembly, Chapter 598) Provides that an employer who pays wages with a bad check of \$200 or more is guilty of a Class 6 felony. (§ 18.2-182 of the Code of Virginia)

HB 2842 (Acts of the Assembly, Chapter 851) For facilities where amusement devices are operated, this bill removes the requirement of employee consent to payment of wages by prepaid debit card if the employee has not designated a financial institution where payment may be deposited by automated transfer. (§ 40.1-29 of the Code of Virginia)

SB 873 (Acts of Assembly, Chapter 732) Provides that first responder employees, such as police and fire fighters, are not exempt employees under the recent federal Fair Pay regulations, and must be paid overtime. The bill adds law enforcement employees to the law, which currently protects firefighters. (§§ 9.1-700 through 9.1-704 of the Code of Virginia)

SB 971 – See HB 1834 above

SB 1122 – See HB 1948 above